IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9213 of 2005

Between:

N. Seshagiri Rao S/o N. Lakshmna Swami
Srinivasa Ngar, Prahladapuram, Simhachalam Viskhapatnam

..... PETITIONER

AND

1 The Executive Officer, Gram Panchayat, Vepagunta, Visakhapatnam.
2 The Panchayat Secretary, Gram Panchayat Vepagunta, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice dt 12-4-2005 of the 1st respondent as arbitrary, illegal, violative of A.P. Panchayt Raj Act, 1994 and Principles of natural justice consequentially set- aside the notice dt 12-4-2005 of the 1st respondent as not complying with the statutory requirement under Panchayat Raj Act, 1994.

Counsel for the Petitioner:MR.T.M.K.CHAITANYA

Counsel for the Respondent Nos.1 and 2: MR.DANTU.SRINIVAS

The Court, at the stage of admission, made the following :

ORDER:

This writ petition is filed aggrieved by the notice dated 12.04.2005 issued by the first respondent-Executive Officer, Gram Panchayat, Vepagunta Visakhapatnam,

whereunder the petitioner was directed to stop the constructions in S.No.154 on the ground that the petitioner has indulged in unauthorized construction as specified thereunder.

The contention of the petitioner is that the allegations made in the notice dated 12.04.2005 are all incorrect and without any basis and as a matter of fact the petitioner has been proceeding with constructions only in accordance with the sanction plan dated 26.04.2004.

Having heard learned counsel for both parties, and since apparently the impugned order appears to have been passed without affording an opportunity to the petitioner to rebut the allegations, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to submit an explanation treating the impugned notice dated 12.04.2005 as a show cause notice. If any such explanation is submitted within a period of one week from the date of receipt of this order, the same shall be considered and appropriate orders be passed in accordance with law within a period of one week thereafter. Till such time, status quo obtaining as on today shall be maintained.

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25.04.2005

Note: Furnish C.C., in two days.

(B/O)

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To

1 The Executive Officer, Gram Panchayat, Vepagunta, Visakhapatnam.
2 The Panchayat Secretary, Gram Panchayat Vepagunta, Visakhapatnam District.

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